

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE  
DISTRICT OF TENNESSEE**

IN RE:	)	Case No. 16-07916
Christopher Shannon Hammonds	)	
SSN#xxx-xx-6700	)	
	)	
206 Rachel's Ct	)	Judge Walker
Hermitage, TN 37076	)	Chapter 13
DEBTOR(s)	)	

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**THE DEADLINE FOR FILING A TIMELY RESPONSE IS: 11/30/2017**  
**IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: 12/13/2017**  
at 8:30 a.m. in Courtroom One, Second Floor, 701 Broadway, The Customs House, Nashville, TN 37203

**NOTICE OF MOTION TO MODIFY CHAPTER 13 PLAN TO PROVIDE FOR CLAIM OF INLAND BANK/INSOLVE  
AUTO FUNDING AS A LONG TERM DEBT PURSUANT TO § 1322(b)(5)**

The Debtor has asked the Court for the following relief: permission to modify the Debtor's plan to provide for claim of Inland Bank/InSolve Auto Funding as a Long Term Debt pursuant to §1322(b)(5)

**YOUR RIGHTS MAY BE AFFECTED. IF YOU OR YOUR ATTORNEY DO NOT FILE A RESPONSE TO THIS MOTION BY THE DEADLINE ESTABLISHED ABOVE, YOUR SILENCE WILL BE DEEMED AS ACCEPTANCE OF THE RELIEF SOUGHT IN THIS MOTION.**

If you do not want the court to grant the attached motion, or if you want the court to consider your views on the motion, then on or before 11/30/2017 you or your attorney must:

1. File with the court your written response or objection explaining your position at:

By Mail: U.S. Bankruptcy Court, 701 Broadway, Room 170, Nashville, TN 37203

In Person: U.S. Bankruptcy Court, 701 Broadway, Room 170, Nashville, TN 37203

(Monday- Friday, 8:00 a.m. – 4:00 p.m.)

2. Your responses must state that the deadline for filing responses: 11/30/2017, the date of the scheduled hearing is: 12/13/2017 and the motion to which you are responding is: MOTION TO MODIFY CHAPTER 13 PLAN TO PROVIDE FOR CLAIM OF INLAND BANK/INSOLVE AUTO FUNDING AS A LONG TERM DEBT PURSUANT TO §1322(b)(5).

If you want a file stamped copy returned, you must include an extra copy and a self-addressed, stamped envelope.

3. You must also mail a copy of your response to:

Mary Catherine Gasser, 511 Enon Springs Road, East, Smyrna, TN 37167, and see Certificate of Service for additional parties to serve (attached hereto)

If a timely response is filed, the hearing will be held at the time and place indicated above. ***THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.*** You may check whether a timely response has been filed by calling the Clerk's office at 615-736-5584 or viewing the case on the Court's web site at [www.tnmb.uscourts.gov](http://www.tnmb.uscourts.gov). If you received this notice by mail, you may have three additional days in which to file a timely response under Rule 9006(f) of the Federal Rules of Bankruptcy Procedure.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting relief.

Date: 11/9/2017

/s/ MARY CATHERINE GASSER

Mary Catherine Gasser, BPR #030898

Attorney for Debtors

Gasser Law, PLLC

511 Enon Springs Road, East

Smyrna, TN 37167

(615) 459-6130

Fax: (615) 459-7727

[cgasser@gasserlawoffice.com](mailto:cgasser@gasserlawoffice.com)

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<b>Christopher Shannon Hammonds</b>	)	
<b>SSN#xxx-xx-6700</b>	)	
	)	
<b>206 Rachel's Ct</b>	)	<b>Judge Walker</b>
<b>Hermitage, TN 37076</b>	)	<b>Chapter 13</b>
<b>DEBTOR(s)</b>	)	

**MOTION TO MODIFY CHAPTER 13 PLAN TO PROVIDE FOR CLAIM OF INLAND BANK/INSOLVE AUTO  
FUNDING AS A LONG-TERM CLAIM PURSUANT TO § 1322(b)(5)**

COMES NOW the Debtor, by and through counsel, and would move this Honorable Court for permission to modify the Chapter 13 plan pursuant to 11 U.S.C. §1329 and to provide for claim of Inland Bank/InSolve Auto Funding as a long-term claim per 11 U.S.C. §1322(b)(5).

The Debtor's Chapter 13 proceeding was filed on 11/3/2016 confirmed on 12/21/2016, paying a dividend of 20% to unsecured creditors.

As grounds, the Debtor would state the following:

1. The Debtor seeks permission to modify his Chapter 13 plan to provide for claim of Inland Bank/InSolve Auto Funding as a long-term claim per 11 U.S.C. §1322(b)(5). The terms of the loan are as follows:
  - a. The Debtor seeks to finance a 2016 Chrysler 200 Limited Sedan, VIN#1C3CCCAB4GN136574 ("motor vehicle"). The amount to be financed is \$13,732.73 at a rate of 22%, to be paid by the Trustee with an ongoing monthly payment of \$379.37 beginning 11/18/2017 as a class 3 creditor.
  - b. Inland Bank/InSolve Auto Funding shall be paid as a Class 3 creditor upon the filing of an approved Proof of Claim.
  - c. Debtor shall maintain full coverage insurance on the motor vehicle and list Inland Bank as the loss payee.
  - d. The Debtor waives discharge of this post-petition debt to Inland Bank. Inland Bank/InSolve Auto Funding's claim for post-petition financing is a continuing debt under 11 U.S.C. § 1328(a)(1) and is not subject to discharge thereunder.
  - e. The claim of Inland Bank/InSolve Auto Funding shall be treated by the Trustee as a long-term obligation pursuant to 11 U.S.C. § 1322(b)(5), and the Trustee need not allocate interest and principal in the disbursements to Inland Bank.
  - f. The Order Confirming Chapter 13 Plan shall be modified to provide that the Debtor's obligation to Inland Bank/InSolve Auto Funding is a secured obligation and shall be paid directly by the Debtor after completion of the Chapter 13 plan pursuant to the terms of the agreement between the Debtor and Inland Bank.
  - g. Should the Debtor default on the plan payments or insurance, Inland Bank shall notify Debtor and Debtor's counsel of the default and, if the default is not cured within ten (10) days of such notice, Inland Bank may thereupon have relief from the automatic stay of 11 U.S.C. §362(a) by the filing of a "Notice of Default Constituting Order of Relief From Stay" without the necessity of the filing of a motion for a hearing in this Court.
2. The Chapter 13 plan shall be modified to increase the Debtor's payments to the Trustee from \$71.00 weekly to \$159.00 weekly.
3. The base shall be increased to \$30,160.47.
4. Except as set forth herein, all other plan provisions of the Order confirming the Debtor's Chapter 13 plan remain unaffected by this modification and no other creditors are affected by this modification.
5. The Debtor seeks permission to modify his plan to reflect these changes.
6. The Debtor's Chapter 13 plan allows such modification and will allow the Debtor to successfully complete his Chapter 13 plan and reorganize his estate.

7. The Chapter 13 Trustee approved the Debtor to obtain financing of this vehicle by letter dated October 5, 2017, attached hereto as Exhibit A.
8. An amended monthly budget is attached hereto as Exhibit B.

**STATEMENT OF IMPACT**

4. The dividend to unsecured creditors shall remain 20%.
5. The Debtor's plan payment shall be \$159.00 weekly.
6. The new base shall be \$30,160.47.
7. No other terms of the confirmation order shall be affected by this modification.

Respectfully submitted,

/s/ MARY CATHERINE GASSER

Mary Catherine Gasser, BPR #030898

Attorney for Debtors

Gasser Law, PLLC

511 Enon Springs Road, East

Smyrna, TN 37167

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<b>Christopher Shannon Hammonds</b>	)	
<b>SSN#xxx-xx-6700</b>	)	
	)	
<b>206 Rachel's Ct</b>	)	<b>Judge Walker</b>
<b>Hermitage, TN 37076</b>	)	<b>Chapter 13</b>
<b>DEBTOR(s)</b>	)	

**PROPOSED ORDER GRANTING MOTION TO MODIFY CHAPTER 13 PLAN TO PROVIDE FOR CLAIM OF INLAND  
BANK/INSOLVE AUTO FUNDING AS A LONG-TERM CLAIM PURSUANT TO § 1322(b)(5)**

It appears to the United States Bankruptcy Court for the Middle District of Tennessee that the Debtor filed a Motion to Modify the Chapter 13 plan and provide for claim of Inland Bank/InSolve Auto Funding as a long-term claim per § 1322(b)(5) and notice of said motion has been given pursuant to L.B.R. 9013-1 to all parties in interest. It further appears to the Court that twenty-one (21) days have elapsed since the date of service of the motion and no responses have been forthcoming from any party in interest.

It is therefore ORDERED as follows:

1. The Debtor shall be permitted to modify his Chapter 13 plan to provide for claim of Inland Bank/InSolve Auto Funding as a long-term claim per 11 U.S.C. § 1322(b)(5).
2. The amount to be financed through Inland Bank/InSolve Auto Funding shall be \$13,732.73 at a rate of 22%, to be paid by the Chapter 13 Trustee with an ongoing payment of \$379.37 beginning 11/18/17.
3. Inland Bank/InSolve Auto Funding shall be paid as a Class 3 creditor upon the filing of an approved Proof of Claim.
4. The Debtor shall maintain full coverage insurance on the motor vehicle and list Inland Bank as the loss payee.
5. The Debtor shall waive discharge of this post-petition debt to Inland Bank/InSolve Auto Funding. The monthly payments to Inland Bank/InSolve Auto Funding shall be disbursed with all other Class 3 claims.
6. Inland Bank/InSolve Auto Funding's claim for post-petition financing shall be a continuing debt under 11 U.S.C. § 1328(a)(1) and is not subject to discharge.
7. This claim of Inland Bank/InSolve Auto Funding shall be treated by the Trustee as a long-term obligation pursuant to 11 U.S.C. § 1322(b)(5), and the Trustee need not allocate interest and principal in the disbursements to Inland Bank.
8. The Debtor's obligation to Inland Bank/InSolve Auto Funding is a secured obligation and shall be paid directly by the Debtor after completion of the Chapter 13 plan pursuant to the terms of the agreement between the Debtor and Inland Bank/InSolve Auto Funding.
9. Should the Debtor default on the plan payments or insurance, Inland Bank/InSolve Auto Funding shall notify Debtor and Debtor's counsel of the default and, if the default is not cured within ten (10) days of such notice, Inland Bank/InSolve Auto Funding may thereupon have relief from the automatic stay of 11 U.S.C. § 362(a) by the filing of a "Notice of Default Constituting Order of Relief From Stay" without the necessity of the filing of a motion for a hearing in this Court.
10. The Debtor's plan payment shall increase to \$159.00 weekly.
11. The dividend to general unsecured creditors shall remain at 20%.
12. The new base shall be \$30,160.47.
13. No other terms of the confirmation order shall be affected by this modification.

**PROPOSED**

**IT IS SO ORDERED.**

*This order was electronically signed and entered as indicated at the top of the first page.*

Respectfully submitted,

/s/ MARY CATHERINE GASSER

Mary Catherine Gasser, BPR #030898

Attorney for Debtors

Gasser Law, PLLC

511 Enon Springs Road, East

Smyrna, TN 37167

(615) 459-6130

Fax: (615) 459-7727

[cgasser@gasserlawoffice.com](mailto:cgasser@gasserlawoffice.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on November 9, 2017 I furnished a true and correct copy of the foregoing to the following parties in interest:

Henry E. Hildebrand, III  
Chapter 13 Trustee  
P.O. Box 340019  
Nashville, TN 37203-0019

Electronic

Samuel K. Crocker  
U.S. Trustee  
318 Customs House  
701 Broadway  
Nashville, TN 37203

Electronic

Christopher Hammonds  
206 Rachel's Ct  
Hermitage, TN 37076

U.S. mail first class

Inland Bank/InSolve Auto Funding, LLC  
c/o Capital Recovery Group, LLC  
PO Box 64090  
Tucson, AZ 85728-4090

U.S. mail first class

And to all the creditors listed below via U.S. mail first class.

AVANT CREDIT, INC  
640 N LA SALLE ST  
SUITE 535  
CHICAGO IL 60654

BADCOCK AND MORE  
820 NW BROAD ST  
MURFREESBORO TN 37129

BARCLAYS BANK DELAWARE  
PO BOX 8801  
WILMINGTON DE 19899

CAPITAL ONE  
PO BOX 30285  
SALT LAKE CITY UT 84130

CARDWORKS/CW NEXUS MERRICK  
POB 9201  
OLD BETHPAGE NY 11804

CASH EXCHANGE  
246 S. LOWRY STREET  
SMYRNA TN 37167

CONNS APPLIANCES  
C/O BECKET & LEE LLP  
PO BOX 3002 DEPT. CONNS  
MALVERN PA 19355-1245

CONNS HOME PLUS  
3295 COLLEGE ST  
BEAUMONT TX 77701

CREDIT FIRST/CFNA BRIDGESTONE  
BK13 CREDIT OPERATIONS  
PO BOX 818011  
CLEVELAND OH 44181

CREDIT ONE BANK NA  
PO BOX 98873  
LAS VEGAS NV 89193

FIRST HERITAGE CREDIT  
235 WEST NORTHFIELD BLVD STE B  
MURFREESBORO TN 37129

PAYPAL  
PO BOX 5138  
TIMONIUM MD 21094

SPEEDY CASH  
PO BOX 780408  
WICHITA KS 67278

STONES RIVER CREDIT  
1004-A MEMORIAL BLVD  
MURFREESBORO TN 37129

SUNTRUST  
PO BOX 26150  
RICHMOND VA 23264

SYNCHRONY BANK/AMAZON  
PO BOX 965064  
ORLANDO FL 32896

SYNCHRONY BANK/CARE CREDIT  
PO BOX 965064  
ORLANDO FL 32896

SYNCHRONY BANK/LOWES  
PO BOX 965064  
ORLANDO FL 32896

SYNCHRONY BANK/WALMART  
PO BOX 965064  
ORLANDO FL 32896

AMERICAN GENERAL  
FINANCIAL/SPRINGLEAF FI  
SPRINGLEAF FINANCIAL/ATTN:  
BANKRUPTCY DE  
PO BOX 3251  
EVANSVILLE IN 47731

Total number of parties served: 24

/s/ MARY CATHERINE GASSER  
Mary Catherine Gasser, BPR #030898  
Attorney for Debtors  
Gasser Law, PLLC  
511 Enon Springs Road, East  
Smyrna, TN 37167  
(615) 459-6130  
Fax: (615) 459-7727  
[cgasser@gasserlawoffice.com](mailto:cgasser@gasserlawoffice.com)

Gasser Law, PLLC

511 Enon Springs Road, East  
Smyrna, TN 37167  
Office: 615-459-6130 Fax: 615-459-7727

October 5, 2017

Re: Christopher Hammonds  
206 Rachel's Ct  
Hermitage, TN 37076  
Middle District of TN Chapter 13 No. 3:16-07916

To Whom It May Concern:

Please be advised that the above referenced Debtor has been given authorization as evidenced by the signature of the Chapter 13 Trustee below to obtain an extension of credit to purchase a vehicle. The principal amount of the loan is not to exceed \$15,000.00 at no more than 22% interest with a regular monthly payment not to exceed \$400.00 monthly. Debtor is seeking financing through Inland Bank.

The Debtor is in need of vehicle in order to fully fund the Chapter 13 plan. Debtor's previous vehicle is an older vehicle that continues to have mechanical problems.

The Debtor's Chapter 13 plan payments shall remain at \$71.00 weekly as reflected in the amended family monthly budget attached hereto. The Debtor attended a Money Management Workshop at the Chapter 13 Trustee's office and a certificate of competition was entered on October 4, 2017.

Respectfully,  
/s/Mary Catherine Gasser  
Mary Catherine Gasser  
Attorney for Debtor

Henry E.  
Hildebrand,  
III

Digitally signed by Henry E.  
Hildebrand, III  
DN: cn=Henry E. Hildebrand, III,  
o=Chapter 13 Trustee, ou=Ch13,  
email=hank@ch13bna.com, c=US  
Date: 2017.10.11 11:27:19 -05'00'

Henry E. Hildebrand, III  
Chapter 13 Trustee

**THIS APPROVAL IS ONLY VALID FOR THREE (3) MONTHS FROM ABOVE DATE.**



**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:	)	
	)	
	)	CASE NO.
	)	CHAPTER [12 or 13]
Debtor(s).	)	JUDGE
	)	

**AMENDED MONTHLY FAMILY BUDGET**

	<u>Prior Budget*</u>	<u>Current Budget*</u>
Dates of Budgets:	_____	_____
<b><u>EXPENSES</u></b>		
Rent/Mortgage Payment:	_____	_____
Utilities:	Prior*	Current*
Electric:	_____	_____
Water:	_____	_____
Heat:	_____	_____
Telephone/Internet	_____	_____
Trash:	_____	_____
Cable/Satellite:	_____	_____
Other (_____):	_____	_____
<b>Total Utilities:</b>	_____	_____
Food:	_____	_____
Clothing:	_____	_____
Laundry & Dry Cleaning:	_____	_____
Newspapers, Books, etc.:	_____	_____
Medical & Dental Expenses:	_____	_____
Transportation:	_____	_____
Insurance (not deducted from wages):		
Auto:	_____	_____
Life:	_____	_____
Home:	_____	_____
Renters:	_____	_____
Other (_____):	_____	_____
<b>Total Insurance:</b>	_____	_____
Taxes (not deducted from wages)	_____	_____
Child Support	_____	_____
Home Maintenance	_____	_____
Other Monthly Expenses (_____):	_____	_____
<b>TOTAL MONTHLY EXPENSES:</b>	_____	_____

APPENDIX B  
AMENDED MONTHLY FAMILY BUDGET

**INCOME**

Debtor's Gross Income:

Spouse's Gross Income:

Payroll Deductions:

Prior\* Current\*

Payroll Taxes:

401(k):

Other ( )::

Total Payroll Deductions:

Other Regular Income:

Support/Alimony:

Pension/SS/VA:

Other ( )::

Total Other Regular Income:

Prior Budget\*Current Budget\***TOTAL MONTHLY INCOME:****SUMMARY:****Total Monthly Income (from above):****minus Total Monthly Expenses (from page 1):****equals Monthly Surplus:****Monthly Plan Payment:****Duration of Plan (months):****Dividend to Unsecured Creditors (%):****Secured Creditors Affected:**

\* Explain any increase or decrease in income, expenses, or dividend that exceeds 10%:

(Debtor)

(Date)

(Debtor)

(Date)

**APPENDIX B  
AMENDED MONTHLY FAMILY BUDGET**